

**MINUTES OF  
CITY OF DUVALL  
COUNCIL MEETING**

**7-22-04  
7:00 P.M.**

**6:00 P.M.: Water Comprehensive Plan**

**The City Council Meeting was called to order by Mayor Nixon at 7:04 P.M.**

**Council Present:** Tom Loutsis, Jeffrey Possinger, Will Ibershof, Steve Hotchkiss, Heather Page and Greg Von Tobel, Mayor Nixon.

**Staff Present:** Steve Schuller, Chief Merryman, Dianne Nelson, Lara Thomas Bruce Disend, John Milne, Mike Marty, Seth Harrison and Jodi Lee Wycoff.

**I. Additions or Corrections to the Agenda:**

Under Consent Agenda add: Payroll in the amount of \$100,389.98; Claims in the amount of \$599,055.18; and Excusing the absence of Councilmember Pat Fullmer due to a family illness.

**II. Comments from the Audience:**

Lin McBride, representing Duvall Foundation of the Arts, gave the quarterly report for Thayer Barn. She explained that they are not currently doing any active fundraising. She stated that they did have an auction in June that netted \$8,000. Lin then invited everyone to CowlapaMooza 2004 on Sunday, August 8<sup>th</sup>.

**III. Approval of Consent Agenda:**

*It was moved and seconded (Ibershof-Possinger) to approve the consent agenda, which included Payroll in the amount of \$100,389.98; Claims in the amount of \$599,055.18; the Council Meeting Minutes of 7/8/04; and excusing Councilmember Pat Fullmer's absence. Carried. (6 ayes).*

**IV. Presentation: Washington State Department of Ecology  
"2003 Outstanding Wastewater Treatment Plant Award"**

Steve Schuller introduce Dave Dunnely and Amy Jankowiak from the Department of Ecology. Dave read a letter from Kevin Fitzpatrick, DOE Water Quality Section Manager, congratulating the City of Duvall Wastewater Treatment Facility for its

outstanding performance during the year 2003. Amy presented Wastewater Operators Mike Marty and Seth Harrison with the award. She then explained the criteria for receiving this award and explained that Duvall was only one of 14 recipients of this award in the region she evaluates and she hopes to be able to return for years to come to present the award again. Steve Schuller finished by stating that unlike other City departments, the Treatment Facility operators are basically on-call 24/7/365 and that they have been very involved in the building of the new facility.

**Presentation:**                      **Duvall Library Board**  
**King County Library System Levy presentation**

Paige Denison of the Duvall Library Board handed out and reviewed the Board's Vision Statement. She also handed out a matrix showing the screening process for selecting a site for a new or expanded library for Council's information. She stated that the past year has been a great year for the Board and she looks forward to next year.

Bill Potassic of the King County Library System (KCLS) and Don Julien, manager of the Duvall Library, presented a video regarding the KCLS Replacement Bond that is going to the voters September 14, 2004. After the video, Bill explained that replacement funds are necessary to keep up the level of service that is currently provided. He asked that Council approve a resolution at the next Council meeting in support of the bond.

**V.      Scheduled Items:**

**1. Mayor:** Mayor Nixon thanked Lin McBride and the Duvall Foundation of the Arts for putting on Sandblast. She said that it was well organized and well attended. She also stated that the first few days after the Novelty closure, the commute didn't seem to be affected; however, it seems that it has gotten progressively worse recently. She said that Chief Merryman is working with King County to determine if they should start flagging during commute times. Mayor Nixon confirmed that King County is closing NE 124<sup>th</sup> Street the weekend of July 30<sup>th</sup> and will reopen Monday August 2<sup>nd</sup> for a culvert replacement. She stated the King County Council will be voting on the Critical Area Ordinance next Wednesday. Lastly, she asked that everyone keep Councilmember Fullmer and her husband, Bob, in their thoughts.

**2. Committee Reports:**

- a. Economic and Business Development Committee - Councilmember Tom Loutsis stated that there is not anything new to report at this time.
- b. Revenue Committee - Councilmember Jeffrey Possinger reported the Committee met to discuss the proposed B&O tax. They set a timeline regarding implementing the B&O tax.
- c. Comprehensive Plan & Development Regulations Committee - Councilmember Heather Page encouraged Council to review and make comments on the draft elements and vision statement of the Comprehensive Plan that were given to them at the last

meeting. She stated that she and Councilmember Ibershof met with Mike Walsh regarding fee structures and she and Councilmember Hotchkiss met with Steve Schuller about the importance of making Duvall a livable and vibrant town.

d. Finance Committee - Councilmember Greg Von Tobel reported the Committee met and discussed the Debt Policy and went over the budget worksheets.

e. Public Safety Committee – Councilmember Jeffrey Possinger reported that the Committee met and talked about speeders in town and different ways the Citizens on Patrol and other groups can help with this problem.

### **3. Council:**

a. Councilmember Jeffrey Possinger thanked Lin McBride for her update on the Thayer Barn. He also stated that he wants to be sure that the Council follow through on any promises made regarding what benefits the B&O tax could provide for the business owners in Duvall. He feels it is important that business owners are on board. He also believes that Council should set up some type of goals or restrictions in the tax ordinance so that the city does not lose sight of why they implemented it in the first place.

b. Councilmember Will Ibershof announced that there is a Duvall area resident going to the Olympics to compete in the Equestrian Events.

### **4. Staff:**

a. Lara Thomas, Assistant Planner, showed Council samples of the types of signs found on sidewalks in Duvall and explained how they are not compliant with the City's sign code. She reported that of the 70 signs that she and Doreen Booth have reviewed recently, only 2 of them met code. She stated that the City has been getting complaints from citizens regarding the abundance of signs. She stated that at this time staff recommends that the Council not enforce the problem, but let staff speak with individual business owners requesting them to comply voluntarily. She stated that she would like the sign ordinance to be looked at more extensively next year.

b. Glenn Merryman, Chief of Police, showed Council the trophy and plaque that the Small Cities Coalition received recently. He then passed out and reviewed a summary on the system I-Net (Institutional Network). This system would connect all City offices and connect the Police Department with other government agencies, which is vital for them to do their job correctly. He introduced Walt Yeager who gave a list of other agencies in King County who are on this system. Chief Merryman then stated that in order for the City to get this system up and running, we would need to run new fiber-optics between the City buildings. He asked for Council direction on whether to move forward on this.

Dianne Nelson, Finance Director, confirmed that the monies for this project would come from the REET1 fund.

There was Council discussion and a Council consensus to move forward with this project and to include the W.R.E.C.K. Center in the project.

Lastly, Chief Merryman announced that the new department building should be delivered on August 9<sup>th</sup> and that Duvall will have the new “Speed Trailer” for the month of August.

c. Steve Schuller, Public Works Director, announced that the Central Park Tot Lot opened today and handed out pictures of the first few children who played on the equipment. He also announced that because of the wear & tear, Metro has agreed to fix Brown Street starting Monday, July 26<sup>th</sup> and that all of the driveways to local businesses will remain open. The project should only last a few weeks.

d. Dianne Nelson, Finance Director, reported that the contract with Hopelink for the Helping Hands Fund expires at the end of this year and asked for Council direction on if they want to continue the contract. Council gave consensus that they want the contract to go on indefinitely. She also stated that due to illness in the family, Councilmember Fullmer had been unable to attend recent Finance Committee meetings and asked if any other Councilmembers would like to act as an interim member on the Committee. Councilmember Heather Page volunteered. Lastly, Dianne asked Council for direction regarding the B&O tax. She stated that the Revenue Committee would like to start with a .0015% tax with a quarter of the revenues going to economic development. Council agreed that the Committee and staff can begin getting feedback from local business owners about the proposed tax.

**VI. Public Hearing:      Comprehensive Water System Plan and  
Associated General Facility Charges.**

**8:20 p.m.:**      The Public Hearing was opened.

Charles Correll, Box 34, Duvall, stated that since the water connection was put in near his home on Miller Street, his water quality is not as good, especially during the summer months. He also asked if anyone has found any new problems with the asbestos mains.

Steve Schuller, Public Works Director, said that he and Charles have discussed his water quality issue.

Diane Robey, 27137 NE Miller Street, Duvall, stated that during the Workshop, it was mentioned that RH2 has a software model of Duvall’s water system and wanted to know if that software was available to the City and if so, she would like to be able to review it.

**8:25 p.m.:**      The Public Hearing was closed.

**VII. Unfinished Business:      *None***

**VIII. New Business:**

**1. (AB04-44) Ordinance #994 providing for the submission to the registered voters of the City at the General Election to be held on November 2, 2004, a Police and**

**Parks Community Levy on the proposition of whether the City shall increase its regular property tax levy to the rate of \$1.60 per \$1,000 of assessed value to provide for police and parks operations.** *It was moved and seconded (Ibershof-Possinger) to Adopt Ordinance #994 providing for the submission to the registered voters of the City at the General Election to be held on November 2, 2004, a Police and Parks Community Levy on the proposition of whether the City shall increase its regular property tax levy to the rate of \$1.60 per \$1,000 of assessed value to provide for police and parks operations. Carried. (6 ayes).*

**VI. Public Hearing: Proposed Adoption of the Latecomer Reimbursement Charges (Safeway Water & Sewer Recovery Contracts)**

**8:27 p.m.:** The Public Hearing was opened.

Steve Schuller, Public Works Director, introduced John Stack, the City's consultant on this project. John stated that he reviewed the agreement and stated that the costs that he reviewed from Safeway were reasonable, but they were able to take out some costs and reduce others. He reviewed the report for Council.

John Milne, representing the City, went over the Public Hearing procedure and recommended that Council take everything mentioned during the Public Hearing under advisement.

Patrick Melany, Land Use attorney for Safeway, stated that Safeway will receive no special benefit from this agreement and that they just happened to be the first along that line to develop.

William Losleben, 14244 Carnation-Duvall Road NE, Duvall, handed out and read for the record, a letter asking Council to turn down the Safeway request. He said the only reason the lines were put in was for Safeway and that no one was asked about this project before it began. He feels that the best way to solve the dispute is to have three independent contractors give bids on what it would cost to put the lines in. He said that even though the property owners don't have to pay anything now, it will still be listed as a lien on their property.

George Barber, Box 1449, Edmonds WA, stated that he is in favor of the recovery contract, but not the way it was calculated. He handed out and reviewed a matrix showing the cost differences if the costs were based on acreage instead of frontage.

Roger Rosenbach, 15902 Bread Way, Snohomish WA, asked where the water line ends that runs down NE 143<sup>rd</sup> and asked why they have to hook up to the line that runs in the front instead of the line running down NE 143<sup>rd</sup>. He feels that the agreement is not equitable and agrees that no one was asked and maybe it was not necessary, but it would have been nice.

Bob Schader, 14175 Carnation-Duvall Road NE, Duvall, said that he was told he could not hook up to water or sewer and that he couldn't develop. He would like someone to defend the equability of the agreement. He also endorsed the earlier public comments.

**9:00 p.m.:** The Public Hearing was closed.

John Milne responded to the public questions: He stated that the City cannot request additional bids because the statute states that the agreement must be based on actual costs of this project. He stated that the depth of the property is not the determining factor in this type of agreement because if you put in a water or sewer line, you are required to extend it along the full frontage of your property. The reimbursement methodology in the City ordinance is based on frontage. He also stated that the law requires the agreement to be recorded. Lastly, he stated that even after the moratorium is lifted, these properties could not develop while the application is still pending.

Council discussed their different options. It was decided to bring the item back to the August 12<sup>th</sup> meeting for discussion only with action to be taken at the August 26<sup>th</sup> meeting.

**X. Adjournment:**  
*Was moved and seconded (Ibershof-Possinger) to adjourn. Carried. (6 ayes).*

Meeting Adjourned 9:28 p.m.

Signed \_\_\_\_\_  
Mayor Becky Nixon

Attest \_\_\_\_\_  
Jodi Wycoff, Office Assistant